

Senate File 391

H-1192

1 Amend Senate File 391, as passed by the Senate, as
2 follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <Section 1. Section 321.276, subsection 1, Code
6 2015, is amended by striking the subsection and
7 inserting in lieu thereof the following:

8 1. For purposes of this section:

9 a. *“Electronic communication device”* means an
10 electronic device capable of being used to compose,
11 read, or send an electronic message. *“Electronic*
12 *communication device”* includes but is not limited to
13 telephones, personal digital assistants, and portable
14 or mobile computers.

15 b. *“Electronic message”* means a self-contained piece
16 of digital communication, whether verbal or written,
17 that is designed or intended to be transmitted between
18 physical devices. *“Electronic message”* includes but is
19 not limited to telephone calls, video calls, electronic
20 mail, text messages, instant messages, and commands or
21 requests to access an internet site.

22 Sec. 2. Section 321.276, subsections 2, 3, and 4,
23 Code 2015, are amended to read as follows:

24 2. A person shall not use a ~~hand-held~~ an electronic
25 communication device ~~to write, send, or read a text~~
26 ~~message~~ while driving a motor vehicle unless the motor
27 vehicle is at a complete stop off the traveled portion
28 of the roadway.

29 a. A person does not violate this section by using
30 a global positioning system or navigation system or
31 ~~when, for the purpose of engaging in a call, the person~~
32 ~~selects or enters a telephone number or name in a~~
33 ~~hand-held mobile telephone or activates, deactivates,~~
34 ~~or initiates a function of a hand-held mobile telephone~~
35 by using an electronic communication device in a
36 hands-free or voice-activated mode.

37 b. The provisions of this subsection relating
38 to reading a text message the use of an electronic
39 communication device do not apply to the following
40 persons:

41 (1) A member of a public safety agency, as defined
42 in section 34.1, performing official duties.

43 (2) A health care professional in the course of an
44 emergency situation.

45 (3) A person sending or receiving safety-related
46 information including emergency, traffic, or weather
47 alerts.

48 c. The exceptions provided in paragraph “a” and
49 paragraph “b”, subparagraph (3), shall not apply to any
50 of the following:

1 (1) A person operating a motor vehicle in a school
2 district.
3 (2) A person operating a motor vehicle in a road
4 work zone.
5 (3) A person issued a driver's license under
6 section 321.178A, 321.180, 321.180A, 321.180B, 321.181,
7 or 321.194.
8 (4) A person issued a temporary restricted license
9 under section 321.215 or 321J.20.
10 3. Nothing in this section shall be construed to
11 authorize a peace officer to confiscate a ~~portable~~ an
12 electronic communication device from the driver or
13 occupant of a motor vehicle.
14 4. a. A person convicted of a violation of this
15 section occurring before July 1, 2017, shall be issued
16 a warning memorandum.
17 b. A person convicted of a violation of this
18 section occurring on or after July 1, 2017, is guilty
19 of a simple misdemeanor punishable as a scheduled
20 violation under section 805.8A, subsection 14,
21 paragraph "1".
22 ~~b.~~ c. A violation of this section shall not be
23 considered a moving violation for purposes of this
24 chapter or rules adopted pursuant to this chapter.
25 Sec. 3. Section 321.276, subsection 5, Code 2015,
26 is amended by striking the subsection.
27 Sec. 4. Section 805.8A, subsection 14, paragraph 1,
28 Code 2015, is amended to read as follows:
29 1. ~~Text-messaging Use of electronic communication~~
30 ~~devices while driving violations.~~ For violations under
31 section 321.276, the scheduled fine is thirty dollars.
32 Sec. 5. PUBLIC EDUCATION AND AWARENESS. The
33 department of transportation, in cooperation with
34 the department of public safety and other interested
35 parties, shall develop and implement a public education
36 and awareness program to foster compliance with the
37 restrictions on the use of electronic communication
38 devices as established in this Act. The department
39 may incorporate the education initiative into existing
40 programs administered by the department and coordinate
41 efforts with other state or local agencies to reach the
42 widest population possible.>
43 2. Title page, line 2, by striking <driving as a
44 primary offense> and inserting <driving, and making
45 penalties applicable>
46 3. By renumbering as necessary.

COMMITTEE ON TRANSPORTATION

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BYRNES of Mitchell, Chairperson